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PATENT APPLICATION JAN 18 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Volker BACHMANN, Mario STEINBORN, Rudolf KALTHOFF and Robert Anthony SAYMAN
Serial no.	:	10/563,417
Filed	:	with an effective filing date of June 8, 2004
For	:	METHOD FOR CONTROLLING AND REGULATING A TRANSMISSION BRAKE IN AN AUTOMATIC MOTOR VEHICLE TRANSMISSION
Group Art Unit	:	
Examiner	:	
Docket	:	ZAHFRI P803US
The Commissioner for Patents		
U.S. Patent & Trademark Office		
P. O. Box 1450		
Alexandria, VA 22313-1450		

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DECLARATION

I, Ludger Ronge of ZF Friedrichshafen AG, am the attorney most knowledgeable with the facts and circumstances concerning the following and hereby declare as follows:

ZF Friedrichshafen AG received a disclosure concerning the above identified application and a patent application was prepared from the same and filed in Germany on July 5, 2003 and given Patent Application No. 103 30 517.3.

This subject matter was also subsequently filed as PCT Application No. EP2004/006145 on June 8, 2004, claiming priority from German Patent Application No. 103 30 517.3.

Within the thirty (30) month term, my company, ZF Friedrichshafen AG, instructed our U.S. agent to complete the national stage formalities of PCT Application No. EP2004/006145 in the United States and, upon filing this application on January 4, 2006, our U.S. agent inquired as to whether the Assignee, ZF Friedrichshafen AG, had first obtained a foreign filing license for this subject matter in view of the U.S. inventor. As no foreign license was applied for or obtained before the corresponding German and the PCT applications were filed, the Assignee, ZF Friedrichshafen AG, is now seeking a Petition for Retroactive License under 37 C.F.R. § 5.25.

The subject matter for which the Petition for Retroactive License is being sought was not under a secrecy order, at the time it was filed abroad, and it is not currently under a secrecy order.

That upon discovery of the need for a foreign license, it is respectfully submitted that a foreign license is being diligently sought.

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That as the undersigned representative of the Assignee, ZF Friedrichshafen AG, in charge of filing this subject matter, I did not appreciate that the naming of a U.S. inventor, with German inventors, necessitated the need to first obtain a foreign filing license from the United States Patent Office before filing this subject matter abroad, and it is respectfully submitted that such foreign filing of this subject matter abroad occurred, without first obtaining the required license under § 5.11, through error and without any deceptive intent.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent(s) issuing thereon.

Date:

January 18, 2007

Ludger Ronge

*Ludger Ronge*

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